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AB 1929 (Hall) – Invasive Aquatic Species: Mussels FACT SHEET

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ISSUE

In 2007, California proactively responded to the discovery of quagga mussels in the Colorado River, which provides critical water supplies to Southern California. Then-Assemblywoman Lois Wolk introduced emergency legislation, AB 1683, that authorizes the Department of Fish and Game to inspect and quarantine waters infested with the quagga mussel and to require water system operators to develop and implement mussel control and eradication plans. These plans must be updated as new methods of controlling the mussel are identified and are subject to review and approval by the Department of Fish and Game (DFG).

However, complete control and eradication of quagga mussels remains elusive. Quagga mussels first appeared in the Great Lakes region of the United States in the late 1980's. Efforts to eradicate the mussels in the mid-west and to prevent their spread have failed. Both scientifically-based and realistically-applied information and practice have consistently demonstrated that it is virtually impossible to eradicate the mussels once infestation occurs. The Department of Fish and Game states, "...preventing their spread downstream from known infestations may not be possible." [Taken from "Frequently Asked Questions: Quagga/Zebra Mussels].

SOLUTION

AB 1929 will clarify existing law relating to civil and criminal penalties applicable to the introduction of invasive species in California's waters. Currently, even when a water system operator prepares, initiates and is in compliance with an effective and scientifically sound plan, complete eradication of quagga mussels is not a guaranteed, or even likely, outcome. Consequently, if the mussels were to spread through water deliveries made by public water systems despite implementing the mussel control plan required, the water system entity and its employees may be held criminally liable for possessing or transporting quaggas, as well as civilly liable for costs of controlling or removing quagga mussels. AB 1929 will ensure that those entities, and their respective employees, that are in compliance with current requirements and updating their plans, shall not be subjected to civil or criminal penalties. Further clarification is also provided to ensure the state and its agencies will not be held liable for their efforts to control quagga mussels.

It is important to state that AB 1929 applies only to deliveries of public water supplies and only for those agencies that are in compliance with existing requirements regarding control and eradication of quagga mussels. However, it will provide assistance to those public agencies that are in full compliance and update their control and eradication plan. But, AB 1929 will not apply to other agencies that do not follow the requirements set forth.

SUPPORT

Association of California Water Agencies (ACWA) – Sponsor

Metropolitan Water District of Southern California (MWD) – Support
Alameda County Water District (ACWD) – Support
Regional Council of Rural Counties (RCRC) – Support
Alameda County Flood Control and Water Conservation District, Zone 7 – Support
East Bay Municipal Utility District (EBMUD) – Support
Kings River Water Association (KRWA) – Support
Kings River Conservation District (KRCD) – Support
Santa Clara Valley Water District – Support
The City of San Diego – Support
California Central Valley Flood Control Association (CCVFCA) – Support
Valley Ag Water Coalition (VAWC) – Support
El Dorado Irrigation District (EID) – Support
Contra Costa Water District (CCWD) – Support
San Diego County Water Authority – Support
Irvine Ranch Water District – Support
Imperial Irrigation District – Support
United Conservation Water District – Support
San Francisco Public Utilities Commission (SFPUC) – Support
Friant Water Authority – Support
Inland Empire Utilities Agency – Support

(As introduced 2/16/10)